

### *AMENDMENTS TO THE CLAIMS*

This Listing of Claims will replace all prior versions, including listings, of claims in the application.

#### *Listing of Claims*

Claim 1 (currently amended): An isolated nucleic acid ~~sequence comprising SEQ ID NO: 1 or selected from the group consisting of an isolated nucleic acid encoding a polypeptide having the amino acid sequence set forth in SEQ ID NO:5 and an isolated nucleic acid comprising a polynucleotide having a nucleotide sequence of greater than about fifty nucleotides which hybridizes under stringent conditions to SEQ ID NO: 1~~ the isolated nucleic acid encoding a polypeptide having the amino acid sequence set forth in SEQ ID NO:5 and provides a plant with resistance to Xanthomonas when transfected into the plant.

Claim 2 (original): A method of making a plant resistant to Xanthomonas, the method comprising transfecting the nucleic acid of claim 1 into said plant or transfecting said nucleic acid into a plant cell or cells and growing a plant from said cell or cells.

Claim 3 (currently amended): ~~An~~ The isolated nucleic acid of claim 1, wherein the ~~comprising at least one~~ nucleic acid is selected from the group consisting of (i) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:1, (ii) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:2, (iii) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:3, (iv) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:4, ~~SEQ ID NO:49, SEQ ID NO:50, SEQ ID NO:51 and SEQ ID NO:52~~ or and (v) an isolated nucleic acid which hybridizes under stringent conditions to said isolated nucleic acid of (i), (ii), (iii) or (iv) and provides a plant with resistance to Xanthomonas when transfected into the plant.

Claim 4 (original): A method of making a plant resistant to Xanthomonas, the method comprising transfecting the isolated nucleic acid of claim 3 into said plant or transfecting said isolated nucleic acid into a plant cell or cells and growing a plant from said cell or cells.

Claim 5 (currently amended): ~~An~~ The isolated nucleic acid of claim 1, wherein the isolated nucleic acid encodes ~~encoding~~ a polypeptide of SEQ ID NO:5.

Claim 6 (previously presented): A method of making a plant resistant to Xanthomonas which comprises expressing in the plant a polypeptide of claim 5.

Claim 7 (original): The method of claim 6 wherein the polypeptide is expressed from a nucleic acid which comprises a nucleic acid encoding the polypeptide operably linked to a plant promoter.

Claim 8 (previously presented): The method of claim 7, wherein the promoter is selected from the group consisting of a tissue-specific promoter, a constitutive promoter and an inducible promoter.

Claims 9-10 (canceled).

Claim 11 (currently amended): A vector which comprises ~~at least one~~ the isolated nucleic acid ~~selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:49, SEQ ID NO:50, SEQ ID NO:51 and SEQ ID NO:52~~ of claim 1.

Claim 12 (original): A vector as in claim 11 which further comprises a plant promoter operably linked to said nucleic acid.

Claim 13 (previously presented): The vector of claim 12, wherein the promoter is selected from the group consisting of a tissue-specific promoter, a constitutive promoter and an inducible promoter.

Claims 14-18 (canceled).

Claim 19 (original): A plant cell that is transformed with ~~at least one~~ the nucleic acid of claim 5 ~~selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:49, SEQ ID NO:50, SEQ ID NO:51 and SEQ ID NO:52.~~

Claim 20 (previously presented): The transgenic plant of claim 24, which is rice.

Claim 21 (previously presented): The transgenic plant of claim 24, wherein the plant is selected from the group of plants consisting of barley, oats, wheat and corn.

Claim 22 (previously presented): An isolated nucleic acid which comprises at least 100 contiguous base pairs of the nucleic acid of claim 1, which confers resistance to Xanthomonas when transfected into a plant that is not resistant to said Xanthomonas.

Claim 23 (original): A method of conferring resistance to Xanthomonas disease to a plant which comprises transfecting the plant with the nucleic acid of claim 22.

Claim 24 (previously presented): A transgenic plant that is resistant to Xanthomonas, comprising the plant cell of claim 19.

Claim 25 (new): The isolated nucleic acid of claim 5, wherein the isolated nucleic acid is selected from the group consisting of (i) a nucleic acid having the nucleotide sequence set forth in

SEQ ID NO:1, (ii) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:2, (iii) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:3 and (iv) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:4.

Claim 26 (new): A vector which comprises the nucleic acid of claim 3.

Claim 27 (new): A vector which comprises the nucleic acid of claim 5.

Claim 28 (new): A vector which comprises the nucleic acid of claim 25.

Claim 29 (new): The vector of claim 27 which further comprises a plant promoter operably linked to said nucleic acid.

Claim 30 (new): The vector of claim 29, wherein the promoter is selected from the group consisting of a tissue-specific promoter, a constitutive promoter and an inducible promoter.

Claim 31 (new): A plant cell that is transformed with the nucleic acid of claim 25.

Claim 32 (new): A transgenic plant that is resistant to *Xanthomonas*, comprising the plant cell of claim 31.

Claim 33 (new): The transgenic plant of claim 32, which is rice.

Claim 34 (new): The transgenic plant of claim 32, wherein the plant is selected from the group of plants consisting of barley, oats, wheat and corn.